



UNITED STATES PATENT AND TRADEMARK OFFICE

ART

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/982,026	10/19/2001	Hiroshi Miyawaki	2001_1575A	7110

513 7590 01/13/2005

WENDEROTH, LIND & PONACK, L.L.P.
2033 K STREET N. W.
SUITE 800
WASHINGTON, DC 20006-1021

EXAMINER

LEZAK, ARRIENNE M

ART UNIT	PAPER NUMBER
----------	--------------

2143

DATE MAILED: 01/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/982,026

Applicant(s)

MIYAWAKI, HIROSHI

Examiner

Arrienne M. Lezak

Art Unit

2143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 12/10/01 & 7/3/03.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over extensive consideration of US Patent US 6,192,407 B1 to Smith.

3. Regarding Claims 1 & 2, Smith discloses a data distribution system which comprises an information terminal for requesting distribution of information and an information provider apparatus for providing information to the information terminal, (Abstract & Figs. 1-20), comprising:

- the information terminal automatically transmitting specifications of the information terminal when transmitting an information provision request which requests distribution of information, (Col. 15, lines 8-67 & Col. 16, lines 1-59), (Examiner notes that PURL attributes associated with delivery would obviously include information terminal specifications, in order to secure document delivery, tracking of document receipt and format compatibility - Abstract); and
- the information provider apparatus including: a receiving unit for receiving the information provision request and the information terminal specifications transmitted from the information terminal, (Col. 15, lines

8-67 & Col. 16, lines 1-59); a data storage unit for storing and managing various kinds of information data, (Col. 15, lines 8-67 & Col. 16, lines 1-59); a data detection unit for detecting data corresponding to the information provision request received by the receiving unit from the data storage unit, (Col. 15, lines 8-67 & Col. 16, lines 1-59); a data conversion unit for converting the data detected by the data detection unit so as to conform to the information terminal specifications received by the receiving unit, (Fig. 5; Col. 5, lines 10-30; & Col. 10, lines 55-60); and a transmission unit for transmitting the data converted by the data conversion unit to the information terminal, (Col. 11, lines 3-24).

Thus, Claims 1 & 2 are found to be unpatentable over considerable consideration of the teachings of Smith.

4. Regarding Claims 3-6, Smith is relied upon for those teachings disclosed herein. Smith further discloses a data distribution system wherein the information provider apparatus further includes a charge management unit for deciding an amount of charges according to contents of data transmitted to the information terminal and charging an information user, (per pending Claims 3 & 4), (Col. 3, line 67; Col. 4, lines 1-2; Col. 5, lines 1-3; Col. 7, lines 27-32; Col. 1, lines 52-56; & Fig. 11), and wherein the information provider apparatus further includes a client database for storing and managing utilization histories of information users, and the charge management unit decides an amount of charges according to utilization history of an information user, stored in the client database, and contents of data transmitted to the information

Art Unit: 2143

terminal, and charges the information user, (per pending Claims 5 & 6), (Col. 12, lines 11-22; Col. 15, lines 8-67; & Col. 16, lines 1-59). Examiner notes that charge amount based on utilization history would have been obvious in light of Smith which teaches a billing/transaction association in addition to a transaction log and user database. Thus, Claims 3-6 are found to be unpatentable over considerable consideration of the teachings of Smith.

5. Claims 7-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over consideration of US Patent US 6,192,407 B1 to Smith in view of US Patent 6,092,114 to Shaffer. Smith is relied upon for those teachings disclosed herein above.

6. Though Smith teaches a document delivery architecture, Smith does not specifically indicate transmission of specific multimedia types of data, namely, still picture data, wherein the specifications of the information terminal include information of at least one selected from a number of pixels, a tone, a compression ratio, a compression method, a number of reproducible pictures, and a storage capacity, (per pending Claims 7 & 10-14); moving picture data, wherein the specifications of the information terminal include information of at least one selected from a number of pixels, a tone, a compression ratio, a compression method, a reproduction time and a storage capacity, (per pending Claims 8 & 15-19); and audio data, wherein the specifications of the information terminal include information of at least one selected from a sampling rate, a frequency band, a compression ratio, a compression method, a reproduction time, and a storage capacity, (per pending Claims 9 & 20-24).

Art Unit: 2143

7. Shaffer discloses a data distribution system wherein the capabilities of the target device are considered in order to determine if a conversion is required, (Shaffer – Abstract), and which system supports multimedia applications, (Shaffer - Col. 5, lines 51-64). It would have been obvious to one of ordinary skill in the art at the time of invention by Applicant to combine the teachings of Smith and Shaffer, the motivation for which is found within Shaffer, noting a need for a messaging method and system that provides for an efficient and reliable exchange of attached files in a multi-application environment, (Shaffer – Col. 2, lines 25-27). Examiner further notes that specific information such as a number of pixels, a tone, a compression ratio, a compression method, a number of reproducible pictures, a reproduction time, a storage capacity, a sampling rate, and a frequency band would have been obvious to include within a request for data for a particular target device, particularly in view of a system capable of transmitting multimedia data, wherein proper and complete transmission of the same to multiple target devices was desired. Thus, Claims 7-24 are found to be unpatentable over considerable consideration of the teachings of Smith.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arrienne M. Lezak whose telephone number is (571)-272-3916. The examiner can normally be reached on M-F 8:30-4:30.


Art Unit: 2143

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on (571)-272-3923. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Arrienne M. Lezak
Examiner
Art Unit 2143

AML


DAVID WILEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100